

MICHAEL L. GINSBERG (#4516)
Assistant Attorney General
PATRICIA E. SCHMID (#4908)
Assistant Attorney General
MARK L. SHURTLEFF (#4666)
Attorney General of Utah
Counsel for the DIVISION OF PUBLIC UTILITIES
160 E 300 S, 5th Floor
P.O. Box 140857
Salt Lake City, UT 84114-0857
Telephone (801) 366-0380

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Saratoga Springs Explosion	Docket No. 07-057-____ UTAH DIVISION OF PUBLIC UTILITIES REQUEST FOR AGENCY ACTION AGAINST QUESTAR GAS COMPANY
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Pursuant to Utah Code Ann. § 63-46b-3, the Utah Division of Public Utilities (Division) files with the Utah Public Service Commission (Commission) this Request for Agency Action, requesting that the Commission take appropriate action against Questar Gas Company (Questar Gas). This case arises out of the February 6, 2007 natural gas explosion in Saratoga Springs, Utah.

Jurisdiction and Legal Authority

The Commission has jurisdiction over this matter pursuant to U.C.A. § 54-13-2, 54-8a-8 and other applicable statutes. The Commission has incorporated “the safety standards established under the federal Natural Gas Pipeline Safety Act that are applicable to intrastate pipeline transportation,” pursuant to U.C.A. § 54-13-3, and has adopted and incorporated 49 C.F.R. Parts 190, 191, 192, 193, and 199, as amended

October 1, 2004 pursuant to R746-409-1.

Facts

Representatives of the Utah Division of Public Utilities, Pipeline Safety Section, conducted an investigation of the February 6, 2007 natural gas explosion at the Roper house located at 682 North Badger Lane, Saratoga Springs, Utah. This explosion resulted in two fatalities, one injury, destruction of the Roper residence, and minor damage to the adjacent residence. The Pipeline Failure Investigation Report (Report) was filed with the Commission and the U.S. Department of Transportation, National Transportation Safety Board, on July 25, 2007. This Report is attached as Exhibit A and is incorporated by reference.

The Division, before filing this Request for Agency Action, provided Questar Gas with a Notice of Probable Violations, Proposed Civil Penalties and Notice of Forthcoming Complaint, attached as Exhibit B and incorporated by reference. That Notice specifically describes what the Division believes to be four separate violations of the applicable safety standards.

Agency Action Requested - Proposed Civil Penalty

Utah Code Ann. § 54-13-6 states:¹

- (1) Any person who is determined by the commission, after notice and an opportunity for a hearing, to have violated any provision of this chapter or any rule or order issued under this chapter, shall be liable for a civil penalty of not more than \$10,000 for each violation for each day that violation persists.

¹The current federal rules permit civil penalties not to exceed \$100,000, with a maximum civil penalty of \$1,000,000 for a related series of violations. Utah's penalty provision has not been updated to reflect this change. In conjunction with a broad group, the DPU is working on draft legislation seeking to Utah's penalties with the penalties allowed under federal law. See 49 C.F.R. 190.223.

- (2) The maximum civil penalty assessed under this section may not exceed \$500,000 for any related series of violations.
- (3) The amount of the penalty shall be assessed by the commission by written notice.

Specific factors to be considered by the Commission when determining the amount of the penalty are set forth in Utah Code Ann. § 54-13-6(4).

Based on the foregoing, the Division respectfully requests that the Commission assess Questar Gas the civil penalty of \$40,000, the maximum amount possible, and further respectfully requests other relief as the Commission deems appropriate.

DATED this _____ day of August, 2007.

Michael Ginsberg
Patricia Schmid
Attorneys for the Division of Public Utilities

CERTIFICATE OF SERVICE

I certify that I caused a true and correct copy of the foregoing Utah Division of Public Utilities Request for Agency Action Against Questar Gas Company to be served this _____ day of August 2007 by hand delivering copies of the same, to the following:

C. Scott Brown
General Counsel
Questar Gas Company
180 East 100 South
Salt Lake City, Utah 84111

Colleen Larkin Bell
Senior Corporate Counsel
180 East 100 South
Salt Lake City, Utah 84111
